



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/335, 129 06/17/99 HAMILTON

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EXAMINER

WM01/0620

KAPLAN & GILMAN LLP
900ROUTE 9 NORTH
WOODBRIDGE NJ 07095RAMAKRISHNAIAH, M
ART UNIT PAPER NUMBER2643
DATE MAILED:11
06/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/335,129

App. Unit(s)

Chris Hamilton

Examiner
Melur RamakrishnaiahArt Unit
2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Apr 24, 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) Other: _____

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 7-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US PAT: 5,841,469, hereinafter Freeman) in view of Anazi et al. (JP401300783A, hereinafter Anazi).

Regarding claims 1, 7, Freeman discloses audiovisual telecommunication method and apparatus using a digital network comprising: a monitor (60) (fig. 2), means connected to the monitor for displaying one or more video images from one or more remotely located conferees (col. 6 lines 11-15), a housing within which the monitor is contained, at least one lighting means contained within the housing, the lighting means being activatable when a video conference is occurring (col. 5 lines 1-9, col. 7 lines 24-29), keypad means for facilitating entry of information by a user for arranging, exiting, and changing parameters of a video conference (col. 4 lines 8-33), audio means for conveying an audio signal from one or more conferees, a camera means mounted within the housing and directed towards a user of the video conference station (col. 4 lines 24-27), and payment means for activating the monitor, the audio means, the lighting means, the camera and keypad means upon entry of payment (col. 6 lines 19-26), an outer casing (col. 5 lines

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3-7), display means (60, fig. 2), lighting means (col. 5 lines 7-9), and a video camera (col. 4 lines 24-27), all being mounted within the outer casing, the video camera and the lighting means, the display means being viewable from the same area (col. 5 lines 16-32), activating means for activating display means, the lighting means, and video camera upon request by a user (fig. 2 col. 2 lines 20-26, col. 6 lines 16-32, col. 7 lines 24-29).

Freeman differs from the claimed invention by not explicitly teaching lighting means directed towards a user of the video conference station.

However, Anazi discloses video telephone set which teaches lighting means (6, fig. 1) directed towards a user of the video telephone station (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Freeman's system to provide for lighting means directed towards a user of the video conference station as this arrangement would facilitate the illumination of the user as taught by Anazi, the advantage being to obtain a clear picture of the user to be sent to the receiving side so that the receiver can display good quality picture on his display for satisfactory video telephone communication between the users.

Regarding claims 3, 8-9, Freeman further teaches the following: payment means is credit card reading device (30) (fig. 2, col. 2 lines 51-53), monitor comprises means (110) for displaying plural images, one from each of the plurality of other conferees (col. 6 lines 12-15), keypad means for entering data, keypad means comprises means for generating DTMF tones (col. 4 lines 8-11),

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3. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Anazi as applied to claims 1 and 7 above, and further in view of Sokal et al. (WO 97/14118, hereinafter Sokal).

Regarding claims 2 and 10, the combination teaches activating means operates in response to payment received by the payment means (30, fig. 2 of Freeman) (col. 2 lines 54-67 of Freeman), but it does not teach payment means for accepting a credit card.

However, Sokal teaches payment means for accepting credit card (fig. 2 page 7 lines 7-13).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for means for payments by the credit card as this would provide choices for the user for payment to suite his convenience as taught by Sokal.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Anazi and Sokal as applied to claim 2 above, and further in view of Fujizu (JP402119390A).

Regarding claim 4, the combination teaches use of lighting where conferencing terminal (10) is located (col. 5 lines 3-9 of '469 patent), but does not explicitly show that lighting means are disposed below the monitor.

However, Fujizu discloses video telephone set with lighting means (2) disposed below the monitor (fig. 2, see abstract).

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Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide lighting means disposed below the monitor to obtain the best lighting condition to take picture of video conferee as taught by Fujizu.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Anazi, Sokal and Fujizu as applied to claim 4 above, and further in view of Ishikawa (US PAT: 6,038,602, filed 4-30-1997).

Regarding claims 5-6, the combination does not teach the following: monitor is connected to a network server by means of: telephone line, data connection.

However, Ishikawa discloses connection method for a network system and server computer that shows monitor connected to a network server by means of: telephone line, data connection (fig. 1, col. 6 lines 43-60, col. 8 lines 17-37).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for monitor that is connected to a network server by means of: telephone line, data connection as this would enable to use Internet for conferencing at an economical rate.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. **Any response to this action should be mailed to:**

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Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).



CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600